

**MINUTES OF THE
GREENSBORO BOARD OF ADJUSTMENT
REGULAR MEETING**

JUNE 28, 2004

The regular meeting of the Greensboro Board of Adjustment was held on Monday, June 28, 2004 in the City Council Chamber of the Melvin Municipal Office Building, City of Greensboro, North Carolina, commencing at 2:00 p.m. The following members were present: Chair Donnie Sparrow, Joyce Lewis, Marshall Tuck and John Cross. Bill Ruska, Zoning Administrator and Blair Carr, Esq., from the City Attorney's Office were also present.

Chair Sparrow called the meeting to order, and explained the policies and procedures of the Board of Adjustment. He further explained the manner in which the Board conducts its hearings and the method for appealing any ruling made by the Board. Chair Sparrow also advised that each side, regardless of the number of speakers, would be allowed a total of 20 minutes to present evidence.

APPROVAL OF MINUTES OF LAST MEETING

Ms. Lewis moved approval of the May 26, 2004 minutes as written, seconded by Mr. Cross. The Board voted 4-0 in favor of the motion. (Ayes: Sparrow, Lewis, Tuck, Cross. Nays: None)

Mr. Ruska was sworn in for evidence to be given by him on the requests before the Board today.

Mr. Ruska said they had a new member who was replacing Peter Kauber; the new member's name is Chris Conrad. Mr. Conrad had already made a commitment for today prior to being appointed, so next month will be his first meeting.

As far as Mr. Kauber is concerned, Mr. Ruska said he would have a resolution for the Board's consideration at next month's meeting.

Mr. Ruska said there was one continued case for today, that being item (D) BOA-04-20; 3400-3300 Wedgewood Place and 418-412 Beverly Place. The intention was to apply for 15 contiguous lots and one lot was inadvertently left out of the application. Therefore, a continuance will allow staff to re-advertise it with the correct number of lots.

Mr. Tuck moved that Item (D), BOA-04-20 be continued until next month's meeting, seconded by Mr. Cross. The Board voted 4-0 in favor of the motion. (Ayes: Sparrow, Lewis, Tuck, Cross. Nays: None.)

NEW BUSINESS**VARIANCE**

(A) BOA-04-17: 3604 REDFIELD DRIVE - ROBERT L. HUNT REQUESTS A VARIANCE FROM THE MINIMUM SEPARATION REQUIREMENT THAT A SWIMMING POOL MUST MEET FROM A STRUCTURE. VIOLATION: A PROPOSED ROOM ADDITION WILL ENCROACH 4.5 FEET INTO A 10 FOOT SEPARATION REQUIREMENT THAT IS REQUIRED FROM THE SWIMMING POOL TO THE HOUSE. SECTION 30-5-2.82(C), PRESENT ZONING RS-12, BS-81, CROSS STREET - HOLGATE DRIVE. (GRANTED WITH CONDITION)

Mr. Ruska stated that Robert L. Hunt is the owner of a parcel located at 3604 Redfield Drive. The lot is located on the north side of Redfield Drive west of Westridge Road on zoning map block sheet 81. The lot contains a single-family dwelling, a detached carport, and a 24-foot by 40-foot in ground pool. The applicant is requesting a variance to construct a room addition to the rear of the house that will be 5.5 feet from the pool instead of ten feet as required. When the applicant applied for the building permit to construct the attached addition, he submitted a plan (which is labeled as Exhibit A) to the Building Inspections Department. This plan was on a large sheet and contained a site drawing, along with rear and side elevation drawings. The rear elevation drawing has a pool labeled on the exhibit.

The permit was routed to the zoning office for approval. Only the site plan portion was copied from the original Exhibit A drawing for zoning review. There were no exterior elevation drawings attached to the building permit for zoning review. The details of the site plan portion did not identify a swimming pool on the property, although it did indicate the existing residence and a carport as being structures located on the lot. The permit was approved and returned for processing.

When the building inspector was called to do the footing inspection on the room addition, he noticed it did not meet the minimum ten foot separation requirement. He informed the applicant and notified the zoning office. The applicant made immediate arrangements to file for a variance request. If a variance is granted, the addition must comply with the current North Carolina Residential Building Code. The lot is currently zoned RS-12. The adjacent properties located to the east, west and on the south side of Redfield Drive are also zoned RS-12.

Chair Sparrow reminded Attorney Michael Fox and Robert Hunt that their request would need to have a unanimous vote before they could proceed.

Attorney Fox said he understood that and Mr. Hunt also understood that and agreed to go forward.

Michael Fox, Esq., 228 West Market Street, was sworn in and said he thought Mr. Ruska

had given a summary of the facts. He would like to point out a couple of things and why they felt this variance should be granted. Mr. Hunt and his wife have an in-ground swimming pool and they were looking to add an addition to their home. They hired a reputable architect to submit all the necessary plans to the City for the addition. He then passed up to the Board the documents actually submitted to assist the Board in a better understanding of this case.

Attorney Fox called attention to the sunroom dimensions. Then right below where it says first floor plan, it says "pool." He suspected when the whole thing was submitted and was sent to Zoning and Planning, they just sent them the part in the upper right hand corner, which says: "site plan." Therefore, Zoning Enforcement did not have all the information.

Attorney Fox said they felt they submitted complete information to the City; it just didn't get passed around the way it should have. They certainly think there was notice there was something up there and whether or not someone should have said, "Hey, what is that block up there? Is that another building or is that a pool or is that a patio," perhaps is a question for debate. However, he thought it was clear on the plans that were submitted, the pool was clearly identified; they were not trying to hide the pool.

Attorney Fox then presented some photographs for the Board's consideration.

Attorney Fox said the Inspections Department has told Mr. Hunt's contractor that they have no problem with this structure as planned and as actually in construction. They do not feel there is any concern about structural integrity. Everything that they have asked be done to make sure the structure is safe and sound has been done.

Attorney Fox pointed out the original front page of the document before the Board; it had red on it. He then passed up to the Board a copy of a page which was attached to the original front page, on which it states: "City of Greensboro Residential Plan Review." He called the Board's attention on that document to one item. In the first group of requirements, there is a general set of requirements and the 4th item says: "Plot plan with setback dimensions" and that was checked "yes." So from Mr. Hunt's perspective and from his contractor's perspective, they got the green light on this. To their knowledge, they were complying fully with all the requirements. He thought that the Inspections Department would also agreed with that, that anything that needed to be done they would do to make this happen. Unfortunately, as you can see from the photos, construction was well along before the setback issue was noticed by the City. He did want to say on behalf of Mr. Hunt that the minute that they found out there was a problem, work stopped immediately and they undertook additional work to make sure the site was safe and secure in the meantime.

Attorney Fox presented to the Board affidavits from all the adjoining property owners basically saying they are aware of this situation and they do not have any problem with Mr. Hunt being able to complete his additional building and that they support this Board's granting of a variance.

Attorney Fox then explained to the Board Mr. Hunt's and his contentions of how this request does meet the statutory requirements. Attorney Fox stated that Mr. Hunt relied

upon the Inspections Department and the Planning Department in granting him this permit,

expended in excess of \$20,000 thus far to have this done, and there is no other reasonable use for which he could use the property if this variance is not granted.

The City Inspections Department has said that they had no problem with this being completed as planned. There is no structural problem. All their concerns regarding any of the building issues have been addressed by the contractor or by Mr. Hunt. The pool was designed with all the safety measures required and the addition was designed so that it will not create an additional safety hazard. There is no direct access from the addition to the pool. Allowing the Hunts to complete this addition will do substantial justice because this was a case where they acted with good intentions and they had tried to comply from the beginning in terms of all their permitting activities. This has been a significant hardship for them because once your contractor leaves the job site and goes somewhere else it is sometimes difficult to get them back. So this has made a significant delay in their plans this summer, they haven't been able to make use of this pool, and they are hopeful that if the Board grants this variance, they can get their contractor back on the site and quickly finish this project.

In response to a question from Mr. Cross, Attorney Fox directed him to the bottom center picture, which says "rear elevation." The addition will look like that.

Robert (Bob) Hunt, 3604 Redfield Drive, was sworn in and stated they had had a swimming pool in their back yard for many years. They recently decided to construction an addition to their home that would overlook the swimming pool. They hired a contractor, plans were drawn and submitted to the City of Greensboro for approval. As he understands from the contractor, the City Inspection's personnel were very helpful and cooperative and even made suggestions to improve the project. A building permit was issued and construction started. To-date they have spent in excess of \$20,000 on this project. Needless to say, he and his wife were shocked when they were told they could not complete the project because of the setback requirements. Currently they have a large hole in their back yard and have already cut off 2 feet of their pool deck to accommodate the improvements suggested by the City's Inspections Department. They respectfully request that this variance be granted so they can complete this project.

Mr. Cross asked staff how would the full pictures done as an attachment to the application not get forwarded on to the people making the decision?

Mr. Ruska said he did not think Building Inspections typically sends a full set of plans when somebody applies for a building permit. What they do send is the site plan and that is what the Board members have in their packets. That is the common practice. Mr. Ruska said it was just unfortunate that when the site plan came around, there wasn't the label "pool" on it.

Mr. Cross asked if they had found a statute that permits a variance in a situation where somebody who has applied for a building permit is granted it, acts on it and then later finds out that the building permit should not have been granted. Is there a provision that would permit that type of an exception for a variance?

Mr. Tuck said there was provision that allows that if the inspector or the plans review

department makes an error and a person relies on that, then this Board can grant the variance based on that fact.

Counsel Carr said she thought what was before this Board is, was it inspector error caused by an internal function of the City or was it inspector error caused by some unreasonable or inappropriate act on the part of the applicant. She thought that was what the Board was faced with deciding right now.

Mr. Cross said he could not see that.

Mr. Tuck said he guessed he was a little surprised, but usually with the cases he has seen, Mr. Ruska puts on his fact sheet when there has been inspector error involved and he did not see it on the fact sheet for this item. That doesn't necessarily mean he does or doesn't believe inspector error occurred. But to him in this case, inspector/plans review coordinator error definitely occurred. He thought the site plan could have labeled "pool," but he found it hard to believe, not doubting Mr. Ruska, that they didn't. If you're trying to approve a set of plans, you give everybody all the information, not part of the information.

Mr. Ruska said the provision that Mr. Tuck was addressing is one that states as follows: "A variance may be granted where a building permit has been issued and due to unintentional error of the enforcement officer in determining the location of the structure on the property, there is a minimal violation of the dimensional requirements; provided that such relief may be granted without substantially impairing the purpose and intent of the ordinance." Mr. Ruska said this was City Code Sec. 30-9-6.10(C)5.

Mr. Cross asked if there was other recourse and if this is the appropriate venue for this particular problem? Now he thought the Board had a different issue before them that he is not used to. Then he asked Mr. Ruska to read Sec. 30-9-6.10(C)5 again, which Mr. Ruska did.

Chair Sparrow said he had many years of experience and inspector error is an accepted and valid reason for granting a variance. He said he didn't recall any specifics, but he did know that the Board had certainly granted several and they were all dimensional, if he was not mistaken.

Mr. Ruska said most of them had involved a mis-measurement of a setback.

Chair Sparrow said yes, a mis-measurement in the field or a miscalculation on the triangulation; there were several cases like that. However, he couldn't remember a time when they had turned one down when the City's records clearly show that the owner acted in good faith.

Mr. Tuck asked Mr. Ruska if there was any reason he didn't include that in this particular one; was there something else that the Board needed to know about since based on his years here, he had always seen that in Mr. Ruska's fact sheet.

Mr. Ruska said in this particular instance, staff was just trying to state the facts as the

situation developed, whether or not you would say there was inspector error based on incomplete information that was furnished when the zoning review was made.

Mr. Tuck said he would agree that if the plans didn't show "pool" at all, it would have been different. However, the applicant did provide a full set of plans and all the information was not passed on from department to department so in his mind it was inspector error.

Mr. Ruska said in most cases, there would be really no reason for the Zoning Department to see elevations; all they really need to see is the site plan, but a site plan that contains all the correct information on it.

Ms. Lewis said they had a case where they all finally agreed that it was a common kind of assumption that the public could make about the City of Greensboro, her feeling was that if you submit something in its entirety to whomever you are told to do with the City of Greensboro and then it passes through whatever channels it's supposed to, she thought the reasonable assumption that the public makes is that they did what they were supposed to do, unless someone tells them differently. So she would think the error was not the individual's; she would think it occurred within the City of Greensboro.

Mr. Cross said he had no doubt that that was not the case in this particular circumstance, but he wanted to map out a hypothetical very quickly. What if somebody says I don't have anything to lose by submitting a bunch of stuff because I know the City is going to disregard it and I'm going to leave out the pool on the site plan because I know that's going to get forwarded and maybe if I can get a building permit and begin work on it, it won't matter whether I meet these requirements. I'm purposely going to abuse the system that's been granted to us. Now are we beginning that slippery slope today by approving that type of situation? He said he did not think that was what happened here; he just wanted to bring that up as an example and be advised what the rules were.

Mr. Tuck said that was why he prefaced some of his comments where he thought the word "pool" was fairly small and he thought it could have been shown on the site plan. It does say on the site plan that the information was provided by the owner. Yes, there is a block there, but there are sidewalks shown. He said he could see both sides of it. He said there was really not a dimensional error here, it is really information based on what was provided.

Mr. Cross said that Code reference doesn't limit it to dimensional errors; it just says "errors;" right?

Counsel Carr said there was a dimensional error in that the appropriate setback was not applied.

Chair Sparrow asked if there was anyone present who wished to speak in opposition to this request and no one came forward.

Ms. Lewis said in BOA-04-17, 3605 Redfield Drive, based on the aforementioned stated findings of fact, she moved that the Zoning Enforcement Officer be overruled and the variance granted based on the following: The applicant complied with the provisions of the

ordinance and that proper documents were submitted to the City to allow him to begin the

construction of which he was desirous of making. The hardship results from the unique circumstances of the Building Permit being granted prior to the dimensional error being found. The hardship results from the same dimensional area that occurred after the construction had started. The hardship is not the result of the applicant's own actions because he complied with City Ordinance in terms of beginning the process. The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit because the new construction will comply with all other ordinances and the deck around the pool has been lessened in size to make sure that it is safe. The new construction does not open directly to the pool. The granting of the variance assures the public safety and welfare and does substantial justice again because the pool is at a certain distance from the house and there is no direct entry from the house.

Mr. Cross asked permission to make a friendly amendment. He wished the variance to be conditioned to the fact that there shall be no direct entry to the pool from the house. This friendly amendment was accepted by Ms. Lewis. Mr. Tuck then seconded the motion as amended. The Board voted 4-0 in favor of the motion as amended. (Ayes: Sparrow, Lewis, Tuck, Cross. Nays: None.)

(B) BOA-04-18: 1500 DANS ROAD - CITY OF GREENSBORO, WATER RESOURCES DEPARTMENT REQUESTS A VARIANCE FROM THE MINIMUM FLOOD LEVEL ELEVATION. VIOLATION: THE FINISHED FLOOR ELEVATION OF AN EXISTING BUILDING, WHICH IS LOCATED IN BARBER PARK, IS 719.09 WHICH IS 0.91 FEET BELOW THE REQUIRED FINISHED FLOOR ELEVATION OF 720.00. SECTION 30-7-5.4(B), PRESENT ZONING-RS-7, BS-39, CROSS STREET – EAST FLORIDA STREET. (GRANTED)

Mr. Cross said his law firm regularly represents the City of Greensboro, but they do not represent the City on this case nor are they the exclusive attorneys for the City. He said he did not perceive a conflict, but he was willing to defer to anyone else who thought otherwise.

Mr. Ruska stated that the City of Greensboro is the owner of a parcel located at 1500 Dans Road, which is also known as Barber Park. The property is located on the south side of East Florida Street and east of Alice Avenue on zoning map block sheet 39. The property is currently zoned RS-7 and contains approximately 120 acres. The applicant had an approved plan for renovations that included: enclosing the tennis courts, enclosing an existing floored area for additional office space, and upfit work. This portion of the property is located in a floodway fringe area. The existing elevation of the structure is 719.09 feet. The applicant has requested to be allowed to continue using the existing finished floor elevation. The required ordinance elevation is 720.00 feet. The variance requested is for 0.91 foot below the required finished floor elevation. The actual building area is located in the southern center portion of the park north of South Buffalo Creek that is located on the southern portion of the acreage. Flood Damage prevention variances are governed by Section 30-9-6.12 of the Development Ordinance. A copy of this Ordinance has been placed in each packet. The adjacent properties located to the east and the adjacent

properties located south of Buffalo Creek are in Guilford County. The adjacent properties located to the west are zoned RS-7.

Scott Bryant, City of Greensboro Water Resources Department, Storm Water Management Program, was sworn in and said his role here was a facilitation role wherein they administer the local flood plain program for Greensboro. They are also representatives for the Parks & Recreation Department, which owns and operates the facility, as well as Engineering & Inspections who manage the project work at Barber Park.

He said the crux of this issue is that the FEMA Flood Insurance Rate Map base flood elevation is 719.0. That is the currently effective FEMA flood elevation for South Buffalo Creek in the area of Barber Park. The finished floor elevation of the existing facility (circa 1989) is 719.09. The FEMA requirement under the National Flood Insurance Program is that finished floor elevations of structures be at or above the base flood elevation, in this case 719.0. The City of Greensboro, however, has had its flood elevation requirements in place for a number of years and are to be 1 foot above the FEMA requirement. Therefore, if FEMA is 719.0, the City's requirement is that the finished floor be at 720.0. In this case, the facility finished floor elevation is 719.09, .09 above the FEMA elevation, but less than the City of Greensboro requirement. The variance is simply to request that the expansion of the work be given the variance to be below the City of Greensboro required 504 elevation. It has to be continuous or preexisting conditions. The building elevation must pre-establish to put the elevation at .91 foot above the existing building, which basically would mean rebuilding the entire structure - demolition and complete rebuild.

Chair Sparrow asked Mr. Bryant if he had determined whether or not there was any danger to the public health in this variance?

Mr. Bryant said it would basically continue the preexisting conditions. Since this is not a permanently inhabited facility, it is a recreation, daytime use, the public goes in and goes out, it really does not present any public safety or public welfare issue from the existing conditions. It was his understanding there was safe access in times of flooding for ordinary emergency vehicles. The existing conditions will be continued. He said the proposed changes to the route of Buffalo Creek will be throughout the State, but will not affect this area.

Ed Sanchez, Facilities Engineering, City of Greensboro, was sworn in and said originally the structure was an air-inflated structure, which they called "the bubble." During an ice storm, the bubble collapsed and the City decided that instead of repairing the collapsed structure, it would build a steel structure using the same footprint, same foundations that existed. They have not changed any of the floor elevations and they have not done any exterior work or added to the footprint of the building. They did enclose the area where the mechanical system that kept the building inflated was located and just roofed that area and provided a finished floor to match the existing floor. But as far as the exterior of the footprint of the existing building, they have done no additions to that. On the tennis court side they removed the existing floor and added a new floor to that.

Mr. Tuck said it sounded like in 30-9-6.12, there are 3 criteria that have to be met for a variance to be granted upon. Since you are not adding any square footage to anything, the

base flood elevation will not change.

Mr. Sanchez said they were not changing the elevation of any things in this project. They even used the same concrete stoops that were there for exits, they left those alone. They did no landscaping on the outside. They did not want to disturb any of the existing soils in that area. The road shown going into the corridor was an existing road.

Mr. Bryant added that the project was outside of the floodway area; it is in the floodway fringe or flood plain fringe, but outside of the floodway area for South Buffalo Creek.

In response to a question from Ms. Lewis, Mr. Sanchez said they closed an area that was between the tennis courts and the volleyball courts that was open and that was where they had the mechanical systems that kept the building inflated. Since they are not going to use the mechanical system existing, they put a roof in that area and it is now a multipurpose room. He further explained that any offices that are there already existed and are not new.

In response to a question from Mr. Tuck, Mr. Bryant said to his knowledge this area had not flooded within the last 10 years.

Dan Maxon, Administrative Services Manager with Parks & Recreation, was sworn in and said to their staff's knowledge, there hasn't been any flooding of that structure since it was constructed and opened to the public. If it were down closer to Buffalo Creek, they would certainly have some concerns, but since the many years it has been in operation, they have been safe.

In response to a question from Mr. Cross, Mr. Sanchez said part of the construction was mechanical and electrical service, which existed, but they had to upgrade it.

Chair Sparrow asked if there was anyone present who wished to speak in opposition to this request, and no one came forward.

Mr. Tuck said in BOA-04-18, 1500 Dans Road, he would like to include the Zoning Enforcement Officer's statement of finding of facts and move the Zoning Enforcement Officer be overruled and the variance granted based on the fact that in 30-9-6.12, the granting of variances for flood damage prevention areas, that there has been testimony and it has been shown that there is no increase in the flood plain or floodway fringe elevations or the base flood discharge and that there will be no increase in the flood heights. There is no threat or additional threat to public safety and no public expense, creation of a nuisance, fraud or victimization of the public, and that the variance is in harmony with the general purpose and intent of the ordinance. Mr. Cross seconded the motion. The Board voted 4-0 in favor of the motion. (Ayes: Sparrow, Lewis, Tuck, Cross. Nays: None.)

REQUEST A VARIANCE FROM THE MINIMUM SIDE SETBACK REQUIREMENT.
VIOLATION: A PROPOSED ATTACHED GARAGE TO A SINGLE-FAMILY
DWELLING WILL ENCROACH 9 FEET INTO A REQUIRED 10-FOOT SIDE
SETBACK. TABLE 30-4-6-1, PRESENT ZONING-RS-15, BS-168 - CROSS
STREET, BLEDSOE DRIVE. (DENIED)

Mr. Ruska stated that Germaine and Margaret Jacky are the owners of a parcel located at 1800 Norwich Drive. The lot is located at the northeastern intersection of Bledsoe Drive and Norwich Drive on zoning map block sheet 168. The lot contains a single family dwelling and a detached storage building. The applicant is proposing to add a garage to the side of the house. The garage is proposed to be 1 foot from the side property line instead of 10 feet as required for a variance of 9 feet. The applicant has stated this is the most reasonable location for the garage. The lot is approximately 110 feet wide by 165 feet deep and is a corner lot. The existing dwelling is located closer to the interior side lot line and the property already has an established driveway that is located adjacent to the interior side property line. The applicant has also stated that the topography adjacent to the Bledsoe Drive slopes and allows for necessary drainage. The rear portion of the property contains a septic field.

There is a 10-foot easement located along this side of the property. The applicant applied for an easement release. The Planning Board approved the easement release at their June 16, 2004 meeting. The garage is proposed to be one-story. The applicant has stated that the footing will be 3 feet from the side property line; however, a two-foot overhang will make the structure one-foot from the property line. The lot is currently zoned RS-15. The adjacent properties are also zoned RS-15.

Margaret Jacky, 1800 Norwich Drive, was sworn in and stated she and her husband owned the subject property. They submitted most of their materials with their application, including affidavits from their neighbors who are in agreement that they would like the Jackys to be granted the variance. She then handed up some photographs showing the property and explained what the pictures showed. She then briefly gave the facts that she contended supported their petition and said these facts also showed that the only logical place for a garage would be over their driveway.

Mr. Tuck said Ms. Jacky mentioned that Bledsoe was in the flood plain. He asked her if their lot was in the flood plain at all?

Ms. Jacky responded no, that the flood line runs about 1 foot into Bledsoe so they are not in the flood plain.

In response to a question from Mr. Tuck, Mr. Ruska said this property had been in the City a fair amount of time, since approximately 1984.

Mr. Cross asked if they had actually considered acquiring part of Don White's property so they would not have this variance issue?

Ms. Jacky said they had not. She was not sure Mr. White would want to do that. He has a gorgeous lawn and some big trees there so she was not sure he would want to sell it to them. He has no problem with them building right there, but she was not sure that he would

be amenable to selling them a small strip of land.

Chair Sparrow asked if there was anyone present who wished to speak in opposition to this request, and no one came forward.

Mr. Cross said that the Board had to find that the Jackys could not make any reasonable use of their property unless the Board grants this variance. He said he was having trouble with that one because they obviously were making a reasonable use of it right now.

Ms. Jacky said they were. They had an expectation when they bought the property that they would put a garage up. There are cedar trees all around the property and when their cars are parked outside, as they are now, they are covered with cedar balls and bird droppings every day. She thought it would be a reasonable expectation of the use of their property to be able to add the garage. They would like to do it in a way that conforms. She thought it was an unreasonable hardship on them. She didn't see anything that is served by not allowing them to have that easement.

Mr. Cross said he agreed that they had some unique circumstances to their property that makes this a particularly difficult project for them.

Ms. Lewis asked Ms. Jacky to tell her again why the garage could not go on the other side of the property?

Ms. Jacky said on the south side, there is a gas line that runs along Bledsoe about 2 feet in from Bledsoe. They found that out when they got the easement on the other side from them. Also it slopes very substantially there and they have had some moisture issues in their basement, but because of that slope, they had good drainage now and if they flatten that out, she was afraid when storms come through, it might be flooded. Starting at the 3rd lot up, the whole area slopes down from them and then keeps going all the way down to Turkey Creek across the road. Also they have many mature trees on that side that they would have to take out. Part of the beauty of their neighborhood are the established trees.

Mr. Cross said in the matter of BOA-04-19, 2800 Norwich Drive, he moved that the Zoning Administrator's finding of fact be incorporated into the record by reference, and based on stated findings of fact, he moved that the Zoning Enforcement Officer be upheld and the variance denied based on the fact that there has been no showing that there is no reasonable use of the property as well as the fact that due to the volume of the requested variance being 9 feet into a 10 foot setback, that it has an issue of not being in harmony with the general purpose and intent of this ordinance; seconded by Mr. Tuck. The Board voted 3-1 in favor of the motion. (Ayes: Lewis, Tuck, Cross. Nays: Sparrow.)

(D) BOA-04-20: 3400-3300 WEDGEWOOD PLACE AND 418-412 BEVERLY PLACE. THE PROPERTY OWNERS OF 14 CONTIGUOUS LOTS REQUEST A VARIANCE FROM THE MAXIMUM FENCE HEIGHT REQUIREMENT.

**VIOLATION: A PROPOSED PRIVACY FENCE ALONG THE NORTH LINES
WILL EXCEED THE MAXIMUM HEIGHT OF 6 FEET BY 2 FEET WITHIN 15 FEET
OF THE WEST FRIENDLY AVENUE RIGHT-OF-WAY. SECTION 30-4-9.6(A),
PRESENT ZONING-RS-12, BS-47, CROSS STREET- HOBBS ROAD.
(CONTINUED)**

This item was continued at the beginning of the meeting.

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There being no further business before the Board, the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Donald Sparrow, Chair
Greensboro Board of Adjustment

DS/jd.ps